

# PREVENTION in focus

November 2018

## Body worn cameras — their role in complaint resolution

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*Body worn cameras capture events objectively, giving decision-makers an unbiased source of information to which they can refer.*

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### *What you should know*

- Body worn cameras (BWCs) are used by a number of public sector agencies in Queensland who interact with members of the public in enforcement roles.
- Most Queensland uniform police officers have them, and they are being increasingly used by staff in prisons and youth detention centres, and by protective security officers employed by Hospital and Health Services.
- BWCs are generally issued to agency staff whose interactions with clients and members of the public may become heated or confrontational.
- Agencies that have implemented BWCs have policies which require officers to activate their BWCs in certain situations.
- Should a complaint be made (for example, about an unjustified or excessive use of force by a police officer or prison officer) BWCs can provide objective evidence of the events, untainted by personal, possibly unreliable, recollections.
- Failure to wear or turn on a BWC, or turning the device off, can raise concerns about the conduct or motivation of the officer/s involved and may result in a further complaint.
- Members of the public can also potentially benefit from the use of BWCs.

This publication seeks to raise awareness, particularly among front-line staff and their supervisors, of how BWCs can be useful in the resolution of complaints. It draws on CCC complaints data and case studies to illustrate the benefits of BWCs in potentially confrontational or high-risk situations.



Crime and Corruption Commission

QUEENSLAND



Photo courtesy of QPS

## How does a BWC work?

Most of the body worn cameras in use in Queensland are a wearable camera system incorporating an audio and video recording device to be worn while staff are performing their duties. The cameras are high-quality digital video recorders that have an increased field of vision (up to 120 degrees) and automatic tuning and noise reduction to make voice recordings more distinct. These qualities make BWC footage more valuable to a complaint investigator than CCTV. Being able to hear what all parties are saying can greatly enhance an investigator's understanding of events leading up to and during an incident.

Some of these cameras have low-light gathering capabilities with the recorder designed to store up to nine hours of recordings. The BWCs issued to Queensland Police operate with "pre-event buffering". This means that they capture up to two minutes of footage prior to a recording being commenced by an officer. All recordings are the property of the Queensland Police Service (QPS). At the end of an officer's shift, they must upload the footage from their device to the digital evidence management system via camera docking stations (Evidence Transfer Managers) installed at each rollout location.

The footage recorded on a BWC cannot be deleted by an officer. Once uploaded to the digital management system, the recordings are subject to stringent controls. The footage may only be removed by a supervisor and any deletion of footage has to be authorised. Once deleted, footage remains in a deletion queue for seven days, which allows for recovery should evidence be deleted unintentionally.

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*Policies should clearly state when activation of a BWC is mandatory.*

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## Current policies on the use of BWCs

Each agency in which BWCs are deployed has its own policy stipulating when an officer must activate their BWC. While the circumstances requiring activation will differ from agency to agency, and while some latitude for discretion is allowed, each policy is designed to ensure that BWCs are activated and used in situations where conflict or use of force is occurring or is likely to occur.

- Police officers' use of BWCs is governed by the Digital Electronic Recording of Interviews and Evidence (DERIE) Manual. This specifies that a police officer with a QPS-issued BWC should record any exercise of a police power (for example, giving a move-on direction, arresting someone or issuing a warrant), or any use of force, when recording might assist in providing evidence and when the officer believes the interactions should be recorded. The policy also specifies when BWCs should not be used (for example, in change rooms, toilets or medical facilities) and gives officers some discretion when not to record.

- Queensland Corrective Services (QCS) first introduced BWCs on a trial basis in early 2017, and there are now approximately 150 cameras in use in correctional facilities throughout Queensland. Privately operated prisons are also using BWCs. The use of BWCs in QCS prisons is governed by a Deputy Commissioner Instruction entitled “Body Worn Camera, Deployment and Use”. Under this instruction, the general manager of each facility is responsible for determining the situations where their cameras will be deployed. A BWC must be set to record when an officer engages with a prisoner, for example in operational incidents, use of force incidents, or where the officer reasonably considers that a prisoner’s demeanour suggests that the interaction should be recorded.
- The Department of Child Safety, Youth and Women is currently implementing the rollout of BWCs to staff working in youth detention centres in response to recommendations made by the Independent Review of Youth Detention Centres. Implementation is expected in early 2019.

The CCC’s view is that **agencies wishing to avoid any confusion about the use of BWCs must clearly state in their policy when activation is mandatory and not discretionary.**

## Agencies’ experience of the use of BWCs

Research indicates that, for police officers, the wearing of BWCs has many benefits. Body-worn cameras can:

- Provide a police perspective of incidents and events
- Reduce conflict between police and the public
- Provide transparency in policing activities
- Enhance public trust in police
- Increase police accountability.<sup>1</sup>

The CCC’s experience is that these benefits apply equally to other public sector officers who have access to BWCs.

Agencies that trialled BWCs before adopting them more permanently have reported that:

- Incidents may de-escalate once it becomes evident that interactions are being recorded. Initially aggressive members of the public who become aware that their engagement with a police officer is being recorded have been shown to modify their behaviour and become less aggressive. Similarly, the presence of BWCs in correctional facilities can moderate prisoner behaviour and improve officer safety.
- Vexatious complaints are less likely to be made once potential complainants become aware that independent evidence capable of refuting their claims is available. Such complaints, if made, are more quickly assessed and resolved.

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<sup>1</sup> Lee, Taylor and Willis, *Being Held to Account: Detainees’ Perceptions of police body-worn cameras*, Australian and New Zealand Journal of Criminology, 2018.

## Complaints to the CCC and the role of BWC

Every year the CCC receives, assesses and investigates complaints of assault and excessive use of force made against police and public sector employees. The CCC will now routinely request copies of any BWC footage of incidents. The following examples demonstrate the role of BWCs in complaint resolution.

### CASE STUDY

#### **BWC resolves vexatious complaint**

A complainant alleged that, during the execution of a search warrant at their residence, police officers stole a sum of money from a handbag in the complainant's bedroom.

The officers engaged in the search were wearing and had activated their BWCs. The footage recorded the actions of all officers during the search of the bedroom, providing clear evidence that no officer had stolen money as stated by the complainant.

*Failure to turn on a BWC, or a decision to turn it off, can raise questions about the conduct of an officer*

### CASE STUDY

#### **Use of BWC during execution of a search warrant**

A member of the public alleged he was assaulted and had his property damaged by police officers during the execution of a search warrant at his house. The complainant stated that he was placed in a headlock, thrown around his lounge room, dragged out of his house by his neck and necklace, and dragged down the stairs in a headlock. He further stated that he was violently slammed into the charge counter at the police station, and that handcuffs were applied too tightly. He complained that as a result of the alleged assault he suffered a range of serious injuries including suspected fractured ribs, nerve damage to both wrists, and multiple fractures of his spine.

None of the officers engaged in the execution of the search warrant wore or activated a BWC, so there was no footage of the events at the house. However, the officers who transported the complainant to the police station following his arrest did activate a BWC. Footage from this camera was able to assist in negating the allegations made about the complainant's treatment at the station.

Had the officers involved in the execution of the search warrant used their BWCs, all the complainant's allegations could have been immediately addressed, without resorting to a lengthy investigation.

## When BWC is not activated

The CCC has seen cases of BWCs not being activated as required by policy or appearing to have been deactivated during an event.

Where a BWC has not been activated when an officer would ordinarily do so, questions may arise about the intentions of the officer involved and whether the BWC was not activated, or deliberately switched off, to avoid incriminating evidence being available. This may constitute grounds for a further complaint and it may become necessary for the CCC, or another relevant agency, to investigate why this occurred, as well as investigating the associated incident.

### CASE STUDY

#### **Alleged deactivation**

A QPS officer was alleged to have used excessive force while arresting a young Indigenous woman and putting her into the back of a police van. The officer was said to have grabbed the young woman's head and banged it against the step or floor of the van on multiple occasions. It was also alleged that the officer had deactivated his BWC during the incident.

The officer was responding to a reported disturbance involving three women. He told investigators that he had activated his BWC upon arriving at the location but turned it off to have a private conversation with his supervisor. He then failed to reactivate it during the subsequent arrest of the complainant.

BWC activated by another officer recorded sounds associated with the alleged assault, but did not include clear footage of the incident.

As there was no objective evidence of the arrest and allegations of excessive use of force, a lengthy investigation had to be undertaken. The investigation relied upon versions of events provided by the persons present, and the limited audio. In this instance, the officer's failure to reactivate his BWC resulted in the investigation being significantly prolonged.

The CCC identified that the most common reasons for a BWC not being activated, or being deactivated during the recording of an incident, included:

- Equipment malfunction
- Officers incorrectly believing that the incident did not require the activation of BWC
- Officers believing that the BWC had been activated when in fact it had not
- BWCs being accidentally deactivated as a result of a bump or other physical contact during an appropriate use of force
- Sudden escalation of an incident resulting in the officer failing to activate their BWC.

These issues highlight the importance of maintaining clear policies and procedures about the use of BWCs. Officers who have been issued with BWCs should be given regular training on both the mechanics of activating these devices and the policies governing their use.

Officers should be reminded that early activation of a BWC will ensure that all relevant events are captured. Early activation also removes the need to remember to turn on the camera if an incident suddenly escalates and becomes highly stressful.

*Absence of BWC footage can be detrimental to the investigation of any complaint against public sector officers.*

#### CASE STUDY

##### **Failure to wear or activate a BWC**

A police officer was alleged to have falsified evidence by giving a statement about a physical altercation which was contradicted by BWC footage of the incident. The police officer's statement had resulted in several men being charged with assaulting a police officer. A subsequent review of the footage showed that the officer may have used excessive force against one man by grabbing his throat. As a result of the BWC footage contradicting the officer's statement, charges against the men were withdrawn at court.

The investigation also identified that a junior officer with only six months' experience, who was also present at the incident, had failed to activate his BWC. This officer had only received very basic training about how to activate and deactivate the BWC, and had had no training at all about use of a BWC in a high-stress situation.

The police investigation recommended that training about use and activation of BWCs be included in use of force training. The CCC endorses this recommendation and notes that the relevant police district has since paid particular attention to educating its officers about activating BWCs when approaching an incident.

## **Impacts of not having BWC footage**

The absence of BWC footage, especially when there is no CCTV footage, can be detrimental to the investigation of any complaint against public sector officers. Its absence may delay the resolution of a complaint, require extensive additional inquiries to obtain clear evidence of what occurred, and cause additional stress for both the complainant and subject officer. The outcomes of such investigations can leave all parties dissatisfied with the findings, especially where there is no objective source of evidence.

The CCC has seen cases where members of the public have used the cameras built into their mobile devices to record interactions between police officers and either themselves or other members of the public. These recordings often start only once the interaction has become physical. However, if only this portion of the interaction is captured, it may not accurately represent the behaviour of all parties.

## CASE STUDY

### **BWC used in conjunction with CCTV as part of investigation**

The CCC received a complaint about QPS officers who attended at a party being held at the complainant's home. The complainant stated that there was no reason for police to come to the residence and that, once there, they had trespassed, used OC spray on the complainant's daughter and made an unprovoked attack against the complainant's husband. According to the complainant, all family members sustained injuries as a result of the police actions and required ongoing medical treatment. The complainant indicated the events had been captured on CCTV and a copy of that material was provided to the investigators.

A preliminary review of the CCTV footage raised potential concerns about the actions of the police officers. Investigators then obtained BWC footage from cameras worn and activated by some of the attending officers, which provided a background of the events leading up to the alleged excessive use of force. It showed that the complainant's family were agitated when police attended and were clearly the aggressors. It provided independent evidence that officers had attempted to defuse the situation and that the alleged assault on the complainant's husband was in response to him assaulting another officer.

## CASE STUDY

### **Absence of BWC results in a protracted and costly investigation**

The CCC received an allegation from a prisoner who alleged that a correctional officer threw him against a wall, resulting in an injury to his ribs. The officer was immediately suspended from duty on pay.

There were no CCTV cameras in the cell where the incident was alleged to have occurred. None of the officers who were present at the incident were wearing a BWC, although the officers who responded to the incident were aware that the situation with the prisoner had potential to escalate.

The CCC assessed the allegation as appropriate to refer to Queensland Corrective Services (QCS) to investigate, subject to monitoring by the CCC. The subsequent investigation, which took over eight months, resulted in a recommendation that the allegation against the correctional officer was unable to be substantiated.

Had BWC footage been available, QCS would have saved considerable costs – both those associated with conducting the investigation, as well as those incurred by paying an officer who was suspended from duty. The officer would also have been spared the stress of having to wait many months for the investigation to be completed.

As described earlier, BWCs are able to capture an entire incident, from the lead-up to its final resolution. Early activation of a BWC can assist in giving a more detailed picture of not just the use of force, but also the circumstances that led to the decision to act in that manner. For this reason, policies governing the use of BWCs should emphasise the need for officers to activate the BWCs early.

## Conclusion

In the CCC's view, the use of body-worn cameras by police, staff of correctional facilities and other agencies who deal with members of the public in potentially confrontational situations should be considered a protective measure for both parties.

Should a complaint be made, an objective version of events can be viewed by a decision-maker, providing an impartial evidence base for their recommendation. The CCC has found that activating a BWC can save a lengthy and costly investigation, result in a more timely outcome in relation to a complaint, and lessen the impact of a protracted investigation on the parties involved.

## In summary

**Agencies** using BWCs should ensure that:

- policies state clearly when and how BWCs are to be used
- evidence of staff–public interactions is captured and retained to reduce the need for costly investigations and enable more timely resolution of matters.

**Officers** who are issued with BWCs should:

- be aware of their obligations in line with their agency's policies
- understand the benefits of early activation of their equipment
- ensure that they are confident in their handling of a BWC, including in potentially stressful situations.

**Members of the public** should be aware that:

- their interactions with a police officer or other public sector employee, including the lead-up to any incident, may be captured by a BWC
- BWC footage can enable an investigator to identify vexatious or malicious complaints.

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